

SD-441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

GENERAL CAPITAL PARTNERS

THIRD PARTY SUMMONS IN A
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

LIBERTY RIDGE, LLC (f/k/a AMERICAN
HERITAGE COMMUNITY/LIBERTY
VILLAGE, LLC)

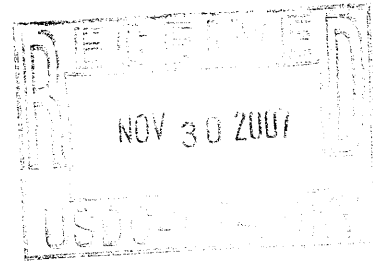
Case Number: 07CV4089

V. THIRD PARTY DEFENDANT

LIBERTY HERITAGE ASSOCIATES, INC.

To: Name and address of Third Party Defendant

LIBERTY HERITAGE ASSOCIATES, INC.
c/o Corporation Service Co.
11 S. 12th Street, P.O. Box 1463
Richmond, VA 23218



YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Christopher Giaimo
1675 Broadway
New York, New York 10019

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Bleakley Platt & Schmidt LLP
One North Lexington Avenue
White Plains, New York 10601

an answer to the third-party complaint which is served on you with this summons, within 30 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. Michael McMahon

CLERK

CLERK

OCT 31 2007

DATE

(By) DEPUTY CLERK

OCT 31 2007

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

CHRISTINE HARRINGTON, being duly sworn deposes and says:

I am not a party to this action, and am over the age of 18 years and reside in Yonkers, New York.

On November 1, 2007, I served a true copy of the **Third Party Summons and Complaint** in the following manner:

- ☐ By transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, via certified mail – return receipt requested, addressed to the last known address of the addressee as indicated below:

By delivering the same personally to the person(s) and at the address indicated below a true copy of the annexed upon:

- ☐ By depositing the same in a sealed envelope with an overnight, next day delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by said service. The address and delivery service are designated below
- ☒ By mailing a true copy thereof, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, via certified mail – return receipt requested, addressed to each of the following persons at the last known address set forth after each name:

Corporation Service Company
as Registered Agent for Liberty Heritage Associates, Inc.
11 S. 12th St.
P.O. Box 1463
Richmond, VA 23218

Christine Harrington
CHRISTINE HARRINGTON

Sworn to before me this
3rd day of December, 2007

Thomas Reedy, Esq.
NOTARY PUBLIC

VICTORIA REILLY LEHNING
Notary Public, State Of New York
No. 01RE5045508
Qualified In Westchester County
Commission Expires June 19, 2011

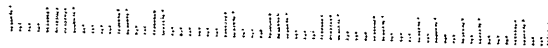
UNITED STATES POSTAL SERVICE


 First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

STEWART PLATT & SCHMIDT
 ONE NORTH LEXINGTON AVENUE
 WHITE PLAINS, NEW YORK 10601-1700

attn: M. Parise, Esq.



SENDER- COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature: <i>[Signature]</i></p> <p>B. Received by (Printed Name):</p> <p>C. Date of Delivery: <i>1/12</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Corporation Service Co. 11 S. 12th St. P.O. Box 1463 Richmond, VA 23218</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p><i>7001 0320 0005 0021 3794</i></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540